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Attorneys for Defendant  
EVENT TICKETS CENTER, INC.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KRISTINA HERNANDEZ, individually and  
on behalf of all others similarly situated,

Case No. 2:24-cv-01983-DAD-AC

**NOTICE OF MOTION AND MOTION OF  
DEFENDANT TO DISMISS PURSUANT  
TO FEDERAL RULES OF CIVIL  
PROCEDURE 12(b)(3) AND 12 (b)(6).**

## EVENT TICKETS CENTER, INC.,

**Defendant.**

Date: November 19, 2024

Time: 1:30 p.m.

Judge: Hon. Dale A. Drozd

Court: 4

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF  
RECORD:**

PLEASE TAKE NOTICE that on November 19, 2024, at 1:30 p.m. or as soon thereafter as the matter can be heard in Courtroom 4 of the above-entitled Court located at 501 I Street, Sacramento, California 95814, Defendant EVENT TICKETS CENTER, INC. moves this Court for an order to dismiss Plaintiff, KRISTINA HERNANDEZ'S, Complaint, or alternatively, stay Plaintiff's Complaint pending resolution of the Gershzon Action.

This motion is brought pursuant to Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6) on the grounds that this Court lacks jurisdiction to hear this cause due to another case pending in the Northern District containing substantially similar claims, and parties, and because Plaintiff fails to state a claim upon which relief can be granted due to a prior duplicative action alleging nearly identical causes of action.

As such, the evidence brought forth in this motion support a dismissal or stay of the *Hernandez* action pending resolution of *Gershzon* because: 1) Gershzon filed his Complaint before Hernandez, 2) Gershzon and Hernandez purport to represent substantially similar interests through the same putative classes of individuals and thus have substantially similar identities, and 3) both *Gershzon* and *Hernandez* contain the same substantive causes of action which substantially overlap regarding “undisclosed” or “hidden” fees as they relate to Defendant’s advertising efforts and final purchase price of the tickets.

This motion is based upon this notice, the accompanying memorandum of points and authorities, declaration of Peter B. Maretz, the request for judicial notice and supporting exhibits, and all pleadings and records on file with this Court, and all oral and documentary evidence and arguments presented at the hearing on this motion.

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1 Date: October 11, 2024

2 STOKES WAGNER, ALC

3 By: 

4 Peter B. Maretz

5 Christina J. Tantoy

6 Omar V. Hernandez

7 Attorneys for Defendant EVENT TICKETS  
8 CENTER, INC.

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